

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OR AMERICA)
)
 v.) CR. NO. 2:05-CR-315
)
 BRENDA J. PENN)

MOTION FOR LEAVE TO DISMISS INFORMATION

Comes now the United States of America by and through its Attorney for the Middle District of Alabama and moves the Court for leave to dismiss the Information without prejudice heretofore filed in the above styled cause on the grounds, to wit: Defendant entered into Pre-Trial Diversion.

Respectfully submitted this the 2nd day of November, 2006.

Respectfully submitted,

LEURA GARRETT CANARY
UNITED STATES ATTORNEY

s/Neal B. Frazier
NEAL B. FRAZIER
Special Assistant United States Attorney
42 ABW/JA
50 LeMay Plaza South
Maxwell AFB, AL 36112-6334
Telephone: 334-953-2786/2789
Fax: 334-953-2787

CERTIFICATE OF SERVICE

I hereby certify that on this the 2nd day of November, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such to filing to Amardo Wesley Pitters, 1145 South Perry Street, P. O. Box 1973, Montgomery, AL 36102-1973.

s/Neal B. Frazier
NEAL B. FRAZIER
Special Assistant United States Attorney
42 ABW/JA
50 LeMay Plaza South
Maxwell AFB, AL 36112-6334
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ORDER

Upon consideration of the Motion for Leave to Dismiss Information as to BRENDA J. PENN heretofore filed in the above styled cause, and for good cause shown, the Court is of the opinion that the motion should be and the same hereby granted. It is, therefore, CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court that said motion be and the same is hereby granted.

Done this ____ day of November, 2006.

SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE